

# Final Environmental Assessment for the Proposed U.S. Courthouse Harrisburg, Pennsylvania

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# **I. Purpose of and Need for the Proposed Action**

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# **1 PURPOSE AND NEED FOR THE PROPOSED ACTION**

## **1.1 INTRODUCTION**

General Services Administration (GSA) proposes to undertake the site selection and construction of a new courthouse for the U.S. Courts for the Middle District of Pennsylvania in the City of Harrisburg. Figure 1, Regional Location, illustrates the regional setting of the project.

The proposed action consists of site selection and construction of a new, stand-alone U.S. Courthouse in the City of Harrisburg, Pennsylvania. The courthouse would be approximately 262,970 gross square feet in size and would include eight courtrooms. As part of the Proposed Action, the Courts and related agencies would be relocated from the existing facilities in the Ronald Reagan Federal Building and U.S. Courthouse located on the corner of N. 3rd and Walnut Streets in the City of Harrisburg.

Construction could begin in 2009, if the current moratorium is lifted. The project would be completed in early 2012.

Under the proposed action GSA anticipates reuse of the existing building for other federal activities.

GSA has prepared this Environmental Assessment in accordance with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 CFR 1500-1508), GSA Order ADM 1095.1F – Environmental Considerations in Decision Making, and the Public Building Service (PBS) NEPA Desk Guide, October 1999. GSA has prepared this Environmental Assessment as part of its due diligence efforts to ensure all environmental issues are identified, potential impacts are assessed, and mitigation measures are outlined while selecting a site for the U.S. Courthouse.



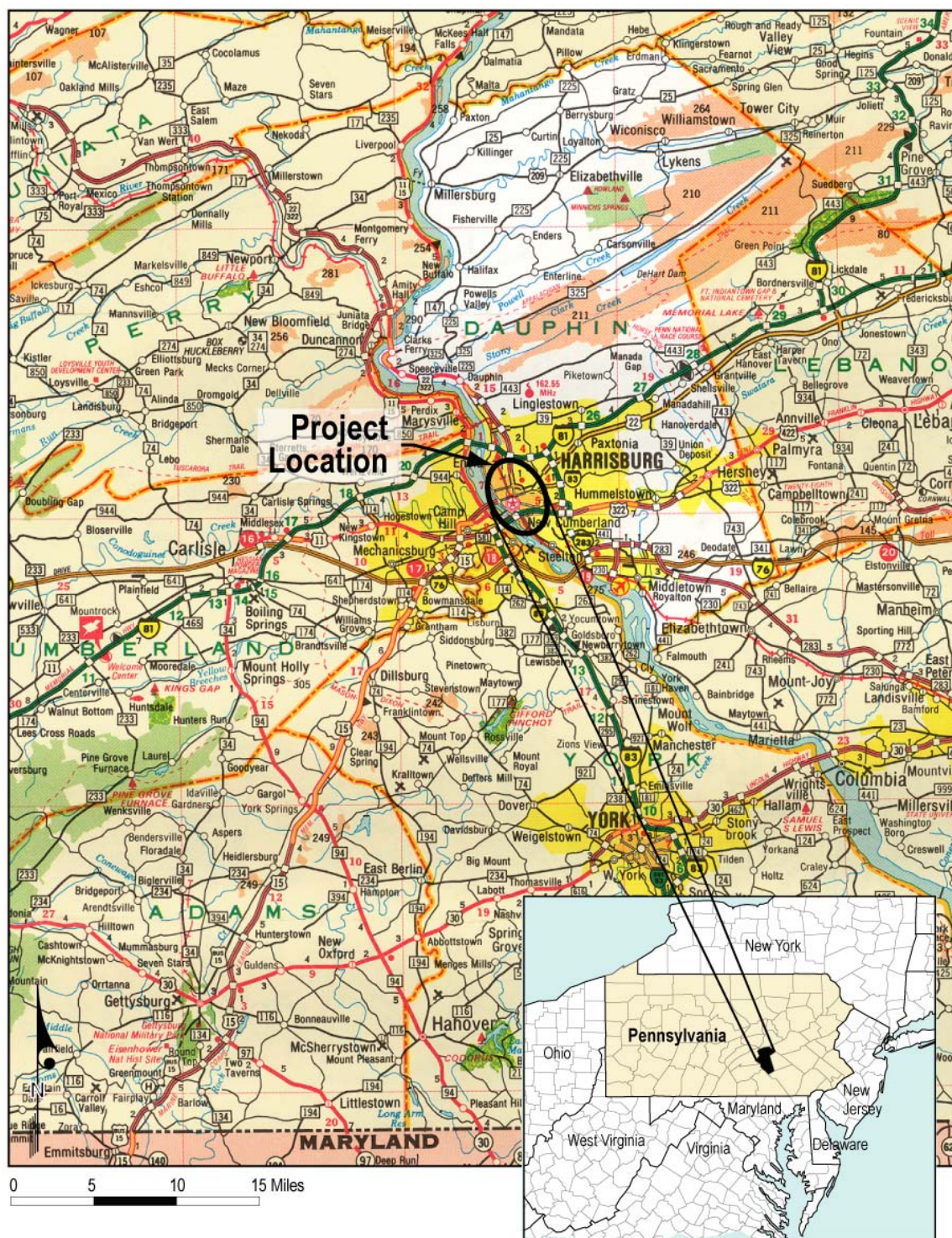


Figure 1: Regional Location

## **1.2 PURPOSE OF THE PROPOSED ACTION**

The purpose of the Proposed Action is to construct a new U.S. Courthouse for the Pennsylvania Middle District Court in Harrisburg to meet the Court's expansion needs and improve operational efficiency and judicial security. The proposed courthouse would be designed to satisfy the 10-year space requirement and the immediate security needs of the U.S. District Court for the Middle District of Pennsylvania and related agencies, which include: the U.S. District Court, U.S. Bankruptcy Court, U.S. Probation Office, Office of the U.S. Attorney, U.S. Marshals Service, U.S. Trustee, and GSA. The site should also be large enough to house the Courts' 30-year space requirement. The new Courthouse would improve the operational efficiency of the Court and serve the growth needs of the Pennsylvania Middle District. It would also improve operations by replacing facilities that have no room for expansion. The current U.S. Courthouse was constructed in the 1960s and does not meet the federal government's security and expansion requirements.

## **1.3 NEED FOR THE PROPOSED ACTION**

The Administrative Office of the U.S. Courts rated Harrisburg as the fifth court city most in need of a new courthouse building. Originally constructed in 1966, the Ronald Reagan Federal Building and U.S. Courthouse in Harrisburg was altered in 1994 to meet short-term needs of the court components, but these alterations were limited and did not fully address the necessary security, circulation, and space requirements of the U.S. Courts Design Guide. In addition, these alterations did not address expansion needs, and additional alterations to expand the court's space would result in compromised adjacencies, functional deficiencies, and the relocation of most or all related agencies.

The project needs fall into three main categories: security deficiencies, operational concerns, and inadequate space to meet current and future expansion requirements. The needs may be summarized as follows:

### **1.3.1 Security Deficiencies**

The National Security Survey Report gave the Ronald Reagan Federal Building and U.S. Courthouse a security score of 32.5 out of a possible 100 points in overall security. The Marshals Service considers facilities scoring below 80 to have serious security deficiencies.

New GSA security guidelines require that there be a 50- to 100-foot setback between a federal courthouse and the street. The existing U.S. Courthouse building is 15 to 45 feet from the curb of the surrounding streets. The location of the current U.S. Courthouse adjacent to two parking garages and the presence of a post office on the ground floor expose the courthouse to additional security risks.

Modern courthouses are designed with three separate circulation paths inside the buildings to separate and protect judges, defendants, juries, and the public. The current U.S. Courthouse cannot provide these separate circulation systems nor do the current U.S. Courthouse facilities for maintenance of prisoners meet security standards. Studies undertaken by the GSA indicate that it is cost prohibitive to try to create these functional requirements within the existing U.S. Courthouse.

### **1.3.2 Inadequate Space for Current and Future Expansion Needs**

The 1960's era U.S. Courthouse was initially constructed with just two courtrooms. Two additional courtrooms were later added. However, these courtrooms do not meet the U.S. Courts Design Guide requirements. In addition, the four existing courtrooms are unable to accommodate the increasing Pennsylvania Middle District Court's caseload; rather eight courtrooms are needed to support cases.

Demographics of the area served by the Pennsylvania Middle District Court indicate a 23 percent growth over the period from 1970 to 2000, and additional growth is projected for the future. The Court's workload also has seen a steady increase and is projected to grow in the future. There has been an increase in the number of Court personnel in response to growing court workload, and additional judges are projected to be needed in the near future. These factors translate to the need for expansion of the existing facilities.

It is not technically or economically feasible to renovate or expand the current U.S. Courthouse building to meet security, operational, and space needs of the Court.

### **1.3.3 Operational Concerns**

The current Harrisburg federal courthouse was constructed in the 1960s with two courtrooms. Additional courtrooms were added later (in 1994 and 1996-1997), by converting office space on several floors into courtrooms. However, due to space limitations and structural issues the additional courtrooms could not be constructed in a way that provides an unobstructed view of litigants and makes it impossible to conduct trials and hearings



involving multi-party litigants. The courtrooms also present challenges for secure movement of prisoners and for presentation of evidence.

The building lacks adequate conference rooms, waiting areas, attorney/witness conference rooms, secure hallways and elevators for movement of prisoners, jurors and judges and other areas required to conduct court operations properly. The construction and age of the building has also slowed the adoption of courtroom technology.

In addition to many functional inadequacies, studies performed by the GSA indicate that this building currently requires a significant repair and alteration investment to bring it up to current facility standards for federal buildings. The deficiencies include Architectural Barriers Act Accessibility Standards (ABAAS) upgrades, the need for additional fire egress stairs, and HVAC system replacement, as well as other major systems investments.

## **1.4 NEPA PROCESS**

NEPA is intended to help public officials make decisions based on an understanding of environmental consequences, and to take actions that protect, restore, and enhance the environment. These decisions are to be made based on accurate scientific analysis, expert agency comments, and public scrutiny of readily available environmental information. Federal agencies are obligated to follow the provisions of NEPA to identify and assess reasonable alternatives to the proposed action that will avoid or minimize any adverse effects upon the quality of the human environment before proceeding with the proposed action.

The level of NEPA analysis undertaken by a federal agency for a proposed action depends upon the assessment of probable impacts. In order to determine the level of NEPA analysis to be performed by GSA for the proposed U.S. Courthouse, GSA examined potential impacts on the natural, cultural, social, and man-made environment. The impacts considered were based on reasonably foreseeable changes resulting from implementation of the proposed action. Issues that could affect the environment and/or the proposed project were identified, including the following:

- Potential impacts to the natural environment including water resources, floodplains, wetlands, forested areas, and threatened and endangered species;
- Potential impacts to the social environment including homeowners, residents, business owners, communities, community facilities and services, air quality, ambient noise, and compatibility with surrounding land use;

- Potential impacts to cultural resources including historic structures and archeological resources; and
- Potential impacts to manmade facilities and resources including utilities, transportation facilities, parking, and site contamination.

Based on review of these issues and because significant impacts were not anticipated, GSA elected to prepare an Environmental Assessment for the site selection and construction of the new U.S. Courthouse. This Environmental Assessment reviews the probable impacts based on reasonably foreseeable consequences of the proposed action and recommends measures to mitigate impacts, as appropriate. In addition, GSA has prepared a Social Impact Assessment, located in Appendix C, to fully assess social and economic impacts to the City of Harrisburg and the residents of the alternate sites.

The current schedule for completing the NEPA process for the proposed action is provided below. The schedule dates for the remaining actions will be maintained as closely as possible.

30-day Public Scoping Comment Period	June 30 - August 1, 2005	Completed
Public Scoping Meeting	July 14, 2005	Completed
Public Meetings for Social Impact Assessment	November 9 – 10, 2005	Completed
Social Impact Assessment	December 2006	Completed
Publication of Notice of Availability for Draft Environmental Assessment	April 6, 2006	Completed
Public Comment Period on Draft Environmental Assessment	April 6, 2006 – May 11, 2006	Completed
Public Hearing on Draft Environmental Assessment	April 18, 2006	Completed
Publication of Notice of Availability for Final Environmental Assessment	July 20, 2006	Completed
Final Site Selection	Summer 2006	

## **1.5 PUBLIC AND AGENCY INVOLVEMENT**

### **1.5.1 Scoping Process**

In accordance with NEPA, a scoping process was conducted to aid in determining the scope of issues to be addressed and to identify the potentially significant issues related to this action. Scoping is usually the first direct contact between proponents of the proposed action and the potentially affected public. It is an ongoing process that occurs during planning and for the purposes of data gathering during preparation of an environmental document.

Scoping has the following specific, but limited objectives:

- To identify the affected public or agency concerns;
- To facilitate an efficient environmental document preparation process through assembling cooperating agencies, assigning data collection and analysis tasks, and schedule appropriate reviews;
- To define the issues and alternatives that will be examined in detail in the environmental document, while simultaneously devoting less attention and time to issues which cause no concern; and
- To save time in the overall process by helping to ensure that the environmental document adequately addresses relevant issues.

As part of the scoping process, GSA met with various federal, state, and local officials and other interested parties. GSA also held three public scoping meetings on July 14, 2005, to solicit public comment on the project. In advance of these meetings, public notices were published in the *Patriot-News* on June 12, 2005, and July 6, 2005. Letters were also mailed to interested parties to announce the public meeting and solicit comments. A comment period was established, with all comments to be returned by August 1, 2005.

Public Scoping meetings were held at 8:30 a.m. at the Hamilton Elementary School and at 1:00 p.m. and 6:00 p.m. at the Harrisburg Hilton Hotel. Handouts describing the project need, site evaluation process, and project schedule were distributed at each meeting. Display boards were exhibited to inform the public on the project activities, and members of the project team were available to answer any questions.

Approximately seven members of the television and newspaper media and 62 members of the public attended the 8:30 a.m. meeting. Twenty-four public comment forms were completed and returned at the meeting. Common concerns expressed in the comment forms and by meeting participants included public transportation needs, impacts to the low income or elderly residents, and replacement housing for impacted residents.

Approximately five members of the television and newspaper media and 87 members of the public attended the 1:00 p.m. meeting. Thirty-four public comment forms were completed and returned at the meeting. Common concerns expressed in the comment forms included loss of the Friends Meeting House, destruction of a historic neighborhood, and the availability of vacant lots within and outside of the city limits.

Approximately two members of the newspaper media and 73 members of the public attended the 6:00 p.m. meeting. Twenty-five public comment forms were completed and returned at the meeting. Common concerns expressed in the comment forms included parking problems, residential displacements, impacts to the city tax base, and destruction of a historic neighborhood.

Copies of letters, e-mails, and phone messages received during the public scoping comment period are part of the project's administrative record. A summary of the comments received is presented in Appendix A.

Some of the common themes in the public scoping comments included loss of tax base, support or opposition of specific sites, impacts to low income and/or elderly residents, impacts to the Midtown Historic District, the availability of vacant lots in Harrisburg, displacement of residents and businesses, public transportation concerns, and traffic. A summary of comments received from the scoping meeting and other public outreach are included in Table 1.

### **1.5.2 Additional Public Involvement**

As part of the Social Impact Assessment conducted for this Environmental Assessment, additional public involvement activities, including resident surveys and public meetings, were conducted. Surveys were distributed to all residents within the three sites. The surveys solicited input on the affected neighborhoods in order to assess how the residents would be affected by relocation, if required. Survey topics included transportation needs, employment, schools, daycare, and access to community services, shopping, and recreational areas.

Surveys were mailed on October 10, 2005, to the residents of the N. 3rd and Forster Street Alternative and the N. 6th and Verbeke Street Alternative. At the request of Harrisburg Housing Authority (HHA), surveys were not mailed to the residents of the N. 6th and Basin Street Alternative; however, surveys were distributed to the residents at the Community Meeting at the Jackson Lick Apartments on November 10, 2005.

Approximately 68 surveys were mailed to the residents of the N. 3rd and Forster Street Alternative. Twenty-six surveys were returned, which equates to approximately a 38 percent response rate. The consensus of the resident surveys is that there is a great sense of community within the neighborhood of the N. 3rd and Forster Street Alternative. Some residents own businesses within the neighborhood, and they are concerned that displacement would cause them to lose both their homes and businesses. Surveys also concluded that residents are concerned about the potential destruction of their historic homes. Although many residents own vehicles, they enjoy the ability to walk to restaurants, recreational areas, religious activities, and work. Residents also commented that parking in their neighborhood is limited, especially on street cleaning days (twice every other week, year round).

One hundred and six surveys were mailed to the residents of the N. 6th and Verbeke Street Alternative. Twenty-four surveys were returned, which equates to a 23 percent response rate. The consensus of the resident surveys is that they rely heavily on public transportation (bus services) to commute to work, attend church, and travel to doctor appointments. Some residents expressed concern for finding replacement housing suited to their fixed incomes. Residents also commented that many state employees park in their parking lot.

Surveys were not mailed but distributed to the 55 residents of the N. 6th and Basin Street Alternative who attended the November 10, 2005, meeting at the Jackson Lick Apartments and provided to the apartments management for further distribution. Fifteen surveys were returned. The consensus of the resident surveys is that residents rely heavily on public transportation (bus and cab services) to commute to doctor appointments, church services, and the Uptown Plaza for shopping (approximately 15 blocks north at N. 7th and Division Street). Many residents walk to the Broad Street Market for groceries and prepared foods.

Community meetings were held on November 9 and 10, 2005, for the residents of the affected neighborhoods of the three build alternatives to discuss the proposed U.S. Courthouse Project. The format of each meeting included a presentation of the current project status followed by a question and answer period. A court reporter was present to create a verbatim record of the meeting. Each attendee was given time to ask a question or



comment, and many attendees spoke more than once. Those in attendance who did not feel comfortable speaking in a public format were given the opportunity to provide testimony, in private, to a court reporter.

The meeting for the residents of the Cumberland Court Apartments and members of the Friends Meeting House (N. 6th and Verbeke Street Alternative) was held on November 9, 2005, at 6:00 p.m. Twenty-three people attended, which included approximately three residents from Cumberland Court Apartments and seventeen members of the Friends Meeting House. Attendees expressed concern about parking problems; the potential destruction of the Friends Meeting House, which includes the Praise and Play Early Learning Center; the availability of abandoned/vacant lots within the city; the loss of resources within walking distance if the Cumberland Court residents were relocated; and finding a place to relocate the Friends Meeting House within the City of Harrisburg. Although invitations were mailed to the Friends and the Praise and Play Early Learning Center, the Friends were under the impression that the meeting was only for the Cumberland Court residents. However, invitations were mailed to the Friends Meeting House and the Praise and Play Early Learning Center.

The meeting for the residents of the Jackson Lick Apartments (N. 6th and Basin Street Alternative) was held on November 10, 2005, at 2:00 p.m. Approximately 55 residents; Carl Payne, Jerry Shenck, Irwin Aronson, and Leon Feinerman from HHA; John Bane, a representative from U.S. Congressman Tim Holden's office; and Linda Thompson, City Councilwoman attended the meeting. Attendees expressed concern about safety for the students at the Benjamin Franklin Elementary School, relocation or disbursement of residents to other HHA facilities, project schedule and moving timetable for residents (particularly the special needs of those who are disabled), and the availability of abandoned/vacant lots within the city.

The meeting for the residents and business owners of the N. 3rd and Forster Street Alternative was held on November 10, 2005, at 7:00 p.m. Approximately 30 people attended the meeting. Attendees expressed concern about destruction of historic properties, destruction of residences and businesses, the availability of abandoned/vacant lots within the city, the restriction on building the new courthouse in the floodplain, and the impaired view shed of the historic properties surrounding the N. 3rd and Forster Street Alternative. Attendees were also concerned about the prolonged project schedule; the destruction of close-knit neighborhood of homes, apartments, restaurants, shops, and other businesses; safety for children attending nearby elementary schools; the lack of replacement historical

homes; and the accuracy of the appraisers' valuation of the historic properties. Citizens were also concerned about parking problems that the new Courthouse facility may generate.

COMMENT	RESPONSE
<b>Purpose and Need for the Proposed Action</b>	
No comments received	
<b>Alternatives</b>	
Alternatives should be considered that do not require acquisition of the Friends Meeting House.	GSA must consider a site large enough to accommodate the Court's requirements. If the N. 6th and Verbeke Street Alternative were selected, various site layouts would be studied.
Alternatives utilizing a vacant lot should be considered.	Either vacant lots were not of sufficient size, or, if adequate size, were not considered because sites north of Reily Street were deemed too remote from commercial markets and other amenities. Executive Order 12072 requires GSA to give preference to sites in areas adjacent to the Central Business District (CBD) and possessing a similar character to the CBD.
Alternatives should not include sites in residential areas.	No adequate alternatives were identified during the site selection process that did not include residential properties.
Site should be selected in an area of the City needing revitalization.	Sites in these areas were reviewed; however, only three sites were identified that met the requirements of GSA and the Courts.

COMMENT	RESPONSE
Site in the 1900 block of N. 6th Street should be assessed.	While GSA has authorization to site the new courthouse within the city limits of Harrisburg, Executive Order 12072 requires us to give preference to sites in areas adjacent to the Central Business District (CBD) and possessing a similar character to the CBD. Although two of the three short listed sites are outside of the CBD, they are both close to the CBD and located in areas that are of similar character to the CBD.
Site in the 1300 block of Derry Street should be considered.	While GSA has authorization to site the new courthouse within the city limits of Harrisburg, Executive Order 12072 requires us to give preference to sites in areas adjacent to the Central Business District (CBD) and possessing a similar character to the CBD. Although two of the three short listed sites are outside of the CBD, they are both close to the CBD and located in areas that are of similar character to the CBD.
An alternative on the State Hospital grounds should be considered.	While GSA has authorization to site the new courthouse within the city limits of Harrisburg, Executive Order 12072 requires us to give preference to sites in areas adjacent to the Central Business District CBD and possessing a similar character to the CBD. Although two of the three short listed sites are outside of the CBD, they are both close to the CBD and located in areas that are of similar character to the CBD.

COMMENT	RESPONSE
Adding additional floors to the Forum Place Building should be assessed.	Use of the Forum Place would exceed the government's budget. There would be a mix of federal and non-federal tenants under this option, which would create a security issue. In addition, the Forum Place's proximity to the 500-year floodplain and to the railroad would create security and safety concerns for the courts.
Alternatives outside of the City of Harrisburg should be assessed.	28 U.S.C. Section 118(b) requires that the courthouse be located within the City of Harrisburg.
Exception to Executive Order 11988, Floodplain Management, should be pursued to allow development of an alternative on S. Front and Sycamore Streets.	The Executive Order and GSA's Administrative Order on floodplains allow GSA to pursue a site in a floodplain only if there are no other practicable alternatives. Practicable alternatives to the use of a floodplain have been identified for the proposed U.S. Courthouse.
<b>Environmental Consequences</b>	
<b>Natural Environment</b>	
No comments received	
<b>Social Environment</b>	
Selection of the N. 3rd and Forster Street Alternative would result in the loss of an important community.	Impacts due to loss of community are assessed in Section 3.4.7, Community Cohesion.
Comparable replacement housing is not available for the N. 3rd and Forster Street Alternative.	GSA consultants conducted a relocation assessment to determine the availability of replacement housing. The results are summarized in Section 3.4.2, Population and Housing.

COMMENT	RESPONSE
Selection of the N. 3rd and Forster Alternative would affect the safety of remaining neighborhood after construction of the new courthouse.	The proposed U.S. Courthouse would be designed as a secure facility. Operation of the courthouse would not affect neighborhood security.
Selection of the N. 6th and Basin Alternative would impact the Jackson Lick Pool.	Impacts to the Jackson Lick Pool are assessed in Section 3.4.6, Community Facilities.
Needs of the residents of Jackson Lick and Cumberland Courts, including access to public transportation, medical and other services should be considered.	Access to community services is assessed in Section 3.4.5
Displacement of the Praise and Play Early Learning Center would remove an important community service.	Impacts associated with displacement of the Praise and Play Early Learning Center are assessed in Section 3.4.5, Community Services.
Selection of the 6th and Verbeke Alternative would displace the Friends Meeting House which serves as an important community facility.	Impacts to community facilities, including the Friends Meeting House, are assessed in Section 3.4.6, Community Facilities.
<b>Economic Environment</b>	
Selection of the N. 3rd and Forster Street Alternative would have adverse economic impacts from the relocation of businesses	Impact resulting from the acquisition and relocation of businesses are assessed in Section 3.4.3.
Selection of the N. 3rd and Forster Street Alternative would decrease property values of surrounding neighborhoods.	Impacts to property values in surrounding neighborhoods are discussed in Section 3.4.2.
Selection of the N. 3rd and Forster Street Alternative would result in the loss of tax revenue.	Impacts to taxes and revenue are assessed in Section 3.4.4.



COMMENT	RESPONSE
<b>Cultural Environment</b>	
Selection of the N. 3rd and Forster Street Alternative would have significant impacts to historic resources.	Impacts to historic resources are assessed in Section 3.3.2, Historic Resources.
<b>Transportation and Parking</b>	
Sufficient parking is not available to support the proposed courthouse.	Availability and impacts to parking are assessed in Section 3.6.2.
Construction of a parking garage to accommodate the proposed courthouse would affect additional residences and businesses.	GSA has no plans to construct a parking garage as part of the proposed project.

### 1.5.3 Public Hearing

A Public Hearing was held on April 18, 2006 at the Benjamin Franklin Elementary School cafeteria from 6:00 to 8:00 p.m. The Public Hearing provided an opportunity for the public to learn more about the findings in the draft Environmental Assessment and to provide public testimony on the documents findings. The public was also given the option of providing private testimony and to submit written comments regarding the draft Environmental Assessment and Section 106 process.

Approximately nine members of the television and newspaper media and 139 members of the public attended the Public Hearing. Of the 139 members of the public, 25 members of the public gave public testimony and four people gave private testimony. Common concerns expressed during the Public Hearing included parking problems, impacts to the city tax base, impacts to people and their quality of life; impacts to historic resources; possibilities of other sites north of Reily Street, and relocation of residents.

A comment period for written comments was established, with all comments to be returned by May 11, 2006. Copies of letters and e-mails received during the comment period and the transcripts of the Public Hearing are part of the project's administrative record. A copy of the comments and responses to those comments is presented in Appendix E

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